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"Free Media: The Cornerstone of Democracy"

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The global media landscape is undergoing more rapid and extreme change now than at any other time in modern history, with technological advances and the forces of globalization altering how we access and interpret media each day. But despite new formats and methods of delivery, a free and independent media remains what it has always been – a key pillar of democracy. The subject of press freedom rightly continues to generate discussion around the world, including in the U.S. and in Macedonia.

The draft media laws currently pending in Parliament have raised serious and welcome discussion in Macedonia in recent months. In the spirit of this ongoing dialogue, I wanted to share our views about press freedom and the role and responsibilities of a strong, free media in a democratic society.

The value we place on a free press in the United States was evident from the very founding of our nation, with the First Amendment to our Constitution specifying that the government could not abridge the freedom of speech or of the press, among other fundamental liberties. Thomas Jefferson underlined the critical importance of protecting the freedom of the press, saying, "Our liberty depends on the freedom of the press, and that cannot be limited without being lost."

Today, when questions arise about the influence of government upon the media, the impulse in the United States continues to be to protect the press from governmental interference. We do not look to provide the government with tools to control the media; rather, we focus on how best to protect the media against governmental restriction. Our democracy has endured because our founders recognized that while we can hope for the best in our government, we should construct a system that anticipates the worst, and a free and independent media is one of the best protections a people can have against excessive government control.

It is important to note that press freedoms do not provide blanket protection for any citizens, including journalists, who break the laws of the land. As with everyone in society, members of the media must be responsible for their actions, and those who break the law must be held accountable. A media that seeks to be taken seriously needs to hold itself to the highest professional standards, and there must be appropriate consequences for libel or defamation, to protect private citizens. But we believe that excessive fines or inconsistent application of defamation standards leads inexorably to self-censorship in the media, inhibiting the free flow of information vital for a well-informed public.

Other than reasonable restrictions that protect the privacy of individuals, we believe that the media needs to be free to analyze and criticize the actions of societal institutions, including and perhaps especially the government. In the U.S. we have a high level of tolerance for criticism directed at government officials, criticism that may be considered libelous in more restrictive societies. Former Supreme Court Justice Thurgood Marshall noted that "above all, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content." Of course, we are not alone in placing such a high value on the right to criticize a

government; in fact, the European Convention of Human Rights, which is applicable in Macedonia, uses the same standard.

Many issues and perspectives must be considered before imposing significant change upon anything as crucial to a free society as the media; the very heart of democracy is at stake. We commend the Government of Macedonia for holding back on immediate action on the media legislation last spring, to allow time for more input from the people of Macedonia. As all members of society have a stake in the outcome, all voices need to be heard. We hope that all perspectives will be considered, and that the final result will be a press that, in the words of former U.S. Senator and Supreme Court Justice Hugo Black, exists to "serve the governed, not the governors."